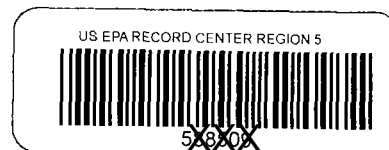




UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604



REPLY TO ATTENTION OF

JAN 08 1984

MEMORANDUM

SUBJECT: Trip Report, Prairie Paint & Adhesives Co.
Hazardous Waste Site, Mahomet, Illinois

FROM: Pierre Talbert *RT*
Assistant Regional Counsel

TO: Mary A. Gade, Chief
SWER Branch

On January 4, 1983, I represented EPA at a responsible party negotiating session and evidentiary hearing in Champaign, Illinois concerning the Prairie Paint & Adhesives Company, Mahomet, Illinois. Parties in attendance at the session and hearing were representatives from IEPA and the Estate of James E. Campbell, **Non-responsive, 6**, a consultant for the Campbell estate, myself, and George Madany, EPA On-Scene Coordinator. The hearing was before the Circuit Court for Champaign County, Illinois. The objective of the negotiating session was two-fold. First, to accelerate cleanup efforts at the site, and second, to get agreement from the responsible party to use EPA's site assessment plan as it conducts the cleanup. The objective of the evidentiary hearing was to lay a proper foundation for the Court's authorization of estate funds for sampling and drum removal. Both objectives were gained by the day's end.

Background

This non-NPL site consists of a 60' X 30' metal shed containing approximately 80 55-gallon drums of aged paints, adhesives and unknown substances and suspected contamination of soils adjacent to the shed. Preliminary random sampling of the drums by IEPA shows that the contents are RCRA hazardous wastes, e.g., ignitable wastes (flash point = 74°F) and toxic wastes (elevated levels of lead, cadmium and chromium).

James E. Campbell, **Non-responsive, 6**, owned the subject property **Non-responsive, 6**. Thereafter, Champaign National Bank, as Administrator WWA, become the party responsible for the site. In June 1982, during a RCRA ISS inspection, IEPA field inspectors discovered the barrels in deteriorating (leaking, corroding) condition. Several of the drums were within 10' of gasoline

bulk storage tanks and a loading rack. The site itself is within 150'-200' of residential properties and commercial buildings. Children were observed on the site property. IEPA determined that the drums contained low flash materials and persuaded the estate's representatives to remove the barrels into the site's metal shed. Thereafter, IEPA unsuccessfully negotiated for the proper disposal of the drums. In May 1983 IEPA asked EPA ESD personnel to inspect the site and take action to prevent the drums from "cooking off" in the summer's heat and exposing the community to risk of fire and explosion. An EPA on-scene coordinator inspected the site, contracted for a site assessment plan and gave oral notice to the estate's attorney that the estate was responsible for properly removing the drums and their contents.

Efforts to negotiate a cleanup lapsed until October 1983 when IEPA representatives began afresh to get a voluntary cleanup. When IEPA's efforts bogged down, it requested EPA's assistance (threat of statutory and regulatory muscle, e.g., a §104 removal followed by a §107 cost-recovery action or §106 administrative order for cleanup). The estate's attorney petitioned the Circuit Court for aid and directions regarding the use of estate funds for cleanup. The hearing was conducted as a result of this petition.

As a matter preliminary to the hearing the negotiating session was conducted for the reasons stated above. A plan for sampling the drums' contents, based upon EPA's site assessment and emergency action plan, was discussed and pressed by IEPA and EPA. Tentative agreement was reached regarding the scope of drum sampling and drum removal. The parties then adjourned to the courtroom and presented evidence to support each parties' position on the matter. Testimony was heard from the estate's consultant, an IEPA field inspector, and EPA's OSC. I examined the IEPA inspector and OSC to assure myself that sufficient evidence was in the record to support our recommended sampling protocol and inform the Court about EPA's approach to hazardous waste site cleanup.

The Court ordered the expenditure of estate funds to sample and analyze each drum, ordered the Administrator to determine whether any of the drums' contents could be re-used and obtain estimates from hazardous waste site cleanup contractors for complete site cleanup. The Court scheduled a hearing for Tuesday, February 21, 1984, at 1:30 p.m. to receive the Administrator's report and hear evidence on what additional cleanup efforts are necessary.

REQUIRED ACTION:

George Madany is to provide IEPA with information about chemical material re-use facilities and hazardous waste site cleanup contractors as soon as possible.